

**CITY OF CENTRAL  
CITY COUNCIL MEETING  
September 4, 2012**

**CALL TO ORDER**

A regular meeting of the City Council for the City of Central was called to order by Mayor Engels at 7:05 p.m., in City Hall on September 4, 2012.

**ROLL CALL**

Present: Mayor Engels  
Alderman Spain  
Alderman Voorhies  
Alderman Lee

Absent: Alderman Giancola

Staff Present: Manager Lanning  
Attorney Michow  
City Clerk Bechtel  
Finance Director Flowers  
CDD/HPO Thompson  
Operations Director Kisselman  
Water Department Manager Griffith  
Police Chief Krelle  
Fire Chief Allen

The Pledge of Allegiance was recited by all present.

**ADDITIONS AND/OR AMENDMENTS TO THE AGENDA**

Alderman Voorhies moved to approve the amended agenda with the following changes: removal of the resolution to cancel the election since we now have three candidates for 2 seats; adding a discussion of regulations for yard hydrants; and moving #9 ADA/Visitor Center to action items. Alderman Spain seconded and, without discussion, the motion carried unanimously.

**CONFLICTS OF INTEREST**

No Council Member disclosed a conflict regarding any item on the agenda.

**CONSENT AGENDA**

Alderman Spain moved to approve the consent agenda containing the regular bill lists for August 23 and 30, 2012 and the City Council minutes of August 21, 2012. Alderman Voorhies seconded, and without discussion, the motion carried unanimously.

**PUBLIC FORUM/AUDIENCE PARTICIPATION**

Mark Cappello, 216 East 3<sup>rd</sup> High Street, offered the suggestion of backflow prevention at the meter for a simple solution to the cost of replacement of yard hydrants. He also questioned the risk of

cross contamination due to the small size of the weep hole as well as the low statistics of cross contamination in Colorado.

Bob Powe, 110 Casey Avenue, stated that backflow prevention at the meter is preferable.

Tom Sundermeyer, 425 Spring Street, objected to the hydrant compliance letter only giving 30 days when the cost could be over \$1,000. He does not want the City to pressure test the lines and cause problems like we had last summer.

Chip Wiman, 221 Pine Street, stated that he hopes to work with staff to determine the cost and solution for his rental properties.

Betty Mahaffey, 205 Eureka, stated that she obtained a building permit and had an inspection when she replaced her water line and hydrant. She does not understand why a simple backflow prevention device would not solve the problem. If this will be costly to a homeowner, would it be possible to use Historic Preservation funds since the yard hydrants are historic?

Eddie Reiley, 210 Casey Avenue, stated that she did not receive the letter timely and asked if there has actually been a contamination issue.

Zelphia Branigan, 104 Casey Avenue, explained that as a renter she does not have a say in the correction that the property owner may decide to make and since they may choose the option with the least cost, it could impact the yard that she has spent so much time to create and now enjoys.

Kathleen Ashpaugh, 440 Spring Street, stated the following concerns: there was not enough notice such as on the water bill; there was not an accurate count of the people affected; this time of year is difficult to turn water off when the plants still need water; the letter did not explain the options; and this was poorly executed by our public servants.

Judy Laratta, 113 Spruce Street, stated there was no research done; there was not notice to citizens who may not have even known what a yard hydrant was; and that by giving less than 30 days to correct it makes the letter feel threatening and invasive.

Laura L. Sims, 210 East 1<sup>st</sup> High Street, stated that she has gotten a price of \$2500 and the solution for her property is made more difficult by an aspen tree that is in the way. She would like to share costs of a contractor with other residents.

Ernie Van Duechen, 128 Casey Street, asked who will pay the cost of a meter pit.

## **NEW BUSINESS**

Resolution No.12-13: A resolution of the City Council adopting the Central City Snow Removal Plan for 2012-2013.

Operations Director Kisselman explained that Public Works would like to adopt a snow removal priority plan to be implemented beginning September 2012. This will allow the staff and community to better understand the snow removal procedure and priorities during the snow season.

Central City Public Department has developed a snow removal priority plan to be implemented similar to 2011-2012. The plan divides the city streets into two priority categories: priority one

roads which includes the Central City Parkway and priority two roads. In addition, Prospectors Run is handled by the HOA which includes a contract with the city to plow Mack Road. The priorities are selected on the basis of traffic volumes, steepness of hills, public transit routes, access to businesses, and low-volume residential streets.

A change for this year is to add signage along Eureka and Main that will make the parking areas emergency snow routes with parking restrictions, so that we may better remove snow and ice in the area. The sign will read from 3a.m. to 9a.m. when 3 inches of snow has fallen. Having cars parked on the street has caused ice dams and problems for both the staff and the businesses and this plan will give staff the extra time needed to clear the street properly. Alderman Lee questioned adding more signs as well as the time window so as not to impact the businesses. Mayor Engels stated that this will only be used for worse case scenarios. Alderman Spain stated that it is a good idea to have a snow route.

Alderman Spain moved to adopt the Central City Snow Removal Plan for 2012-2013. Alderman Voorhies seconded. Alderman Lee moved to amend the motion to table this plan until we can get input from the public. The motion died for lack of a second. When Mayor Engels called the question, the motion carried 3 votes to 1 with Alderman Lee voting no.

#### Regulations for Yard Hydrants

Operations Director Kisselman agreed that the notice to the residents could have been handled better. There are 10-15 homes remaining with hydrants that do not have their meter installed. There are several options to disable the hydrant with various costs. Installing backflow prevention is one option and requires an annual inspection per the code. Cross contamination is recognized at the Federal, State and Local level. Staff does not have the resources to do the work for each property owner. We still need a written plan for what the property owner plans to do and then we can make an allowance for the time. The City will cover the cost of a meter installation in the street. The goal is to finish the meter installations before the end of the year.

Alderman Voorhies stated she would like to hold on the enforcement of the regulation until the issues brought forward can be addressed and suggested that perhaps some Historic Preservation money could be used to help the residents cover costs. Alderman Spain concurred and would like to see what can be done about the cost. Alderman Lee stated her appreciation for everyone coming in and would like to find a solution that is less intrusive and work on the cost but also would like to continue to get the meter installation project completed. Mayor Engels summed up the Council concerns and agreed that residents could apply for Historic Preservation grant funds if they would like to keep their hydrant.

Alderman Voorhies moved to direct staff to suspend enforcement of the yard hydrant section of the ordinance and to work with remaining owners that still need to have meters installed. Alderman Spain seconded, and without discussion, the motion carried unanimously.

#### ADA/Visitors Center

CDD Thompson gave the background as follows:

In March, staff presented a proposal to use the second floor of the Visitors Center as an art gallery and brought forth a license agreement between the City and the Gilpin County Arts Association to allow them to use that space. In discussion of the agreement, the issue of ADA accessibility was brought up which then expanded to include the Visitors Center itself. It was decided by Council that an architect's

analysis was appropriate to give us direction on what the ADA laws required for a historical building.

The City received the architects report concerning the ADA question at the Visitors Center building. The results of his analysis include:

- a. As an existing function, the Visitors Center does not generate any required changes to the building for ADA purposes.
- b. An accessible route to the building cannot be achieved without threatening or destroying the historic significance of the building.
- c. Accessibility to the intermediate landing, second floor and toilet room can be accomplished. However, doing so would be “disproportionately” expensive since the cost of making those areas accessible are greater than 20% of the cost to “alter” the building. No alterations were expected to be made, so the anticipated cost is \$0.
- d. Providing a wheelchair lift to the 2<sup>nd</sup> floor would cost about \$14,000 minimum.
- e. If costs are “disproportionate,” the travel path shall be made accessible to the extent it can without becoming cost disproportionate. Making the toilet room accessible might be an appropriate accommodation but not a requirement.

The architects report concludes that there should be only minimal financial impacts to and the City can provide information contained at the Visitors Center in an “alternative manner.” If the City does not address ADA accessibility issues in an appropriate manner, the City could have some liability. If the City follows the conclusions of the attached report, we should be compliant.

Attorney Michow concurred with the analysis of the architect that ADA makes allowances for historic buildings as long as service is available. The options for Council are to continue to provide the same service with mediation of alternative means to the handicapped; to not use the Visitor’s Center; or alter the building at a high cost.

Alderman Spain moved to accept the architects report and give instruction to staff to provide alternative access to the information in the Visitors Center and the proposed Art Gallery. Alderman Voorhies seconded. Alderman Lee questioned if a railing could be added on the step. Operation Director Kisselman explained that the building code does not require a railing for 30 or less stairs but it could be done. Mayor Engels added that a railing would not be historic. Alderman Voorhies concurred. When Mayor Engels called the question, the motion carried unanimously.

## **STAFF REPORTS**

Manager Lanning reminded Council of the following dates:

- September 11 – water fund work session
- September 13 – Governor’s Award Gala to accept the Award for the Streetscape Project
- September 18 – work session with Alan Matlousz to discuss bond options
- September 22 – City Clean-up

## **COUNCIL COMMENTS**

Alderman Voorhies stated to the audience that Council is not committed to either parking solution. Mayor Engels added that Council is not committed to “either or any” parking solution.

Alderman Voorhies thanked Operations Director Kisselman for working with Mr. Clark to solve a parking issue. She also thanked the community for attending tonight and bringing their concerns and helping Council to learn.

Alderman Spain thanked the citizens for their participation. Mayor Engels added his thanks and wants them to trust that the Council has heard your needs and admits that we overstepped our bounds.

**PUBLIC FORUM/AUDIENCE PARTICIPATION**

Lynn Hirshmann, resident of Gilpin County asked Council to consider designating a couple of handicap parking spaces on Eureka.

Hearing no further business, Mayor Engels adjourned the meeting at 8:38 p.m.  
The next Council meeting is scheduled for September 18, 2012 at 7:00 p.m.

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Ronald E. Engels, Mayor

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Reba Bechtel, City Clerk